

placement provides access or priority status for entry into needed care.

The family lives in a state or jurisdiction in which children are deprived of federally mandated mental health services through the Individuals with Disabilities Act (IDEA) as a result of an exceedingly restrictive definition of serious emotional illness. That is, these schools often label these children as solely "discipline problems."

The family lives in a state or jurisdiction in which the local child welfare system erroneously interprets federal law (Title IV-E of the Foster Care and Adoption Assistance Program) as requiring relinquishment of custody even for temporary out-of-home placements.

As all of these reports highlight, families are acting out of desperation to get immediately needed mental health services for their children. In essence, the juvenile justice and child welfare systems have become the mental health providers of last resort for far too many families.

Both the child welfare system and juvenile justice systems are ill equipped to meet these children's needs. Even worse, the psychological bond between parent and child is unnecessarily disrupted. These children feel abandoned and their parents feel guilty over their parental rights and decision-making authority and to a state agency. The stigma is real—to families themselves and to those around them. Good parents don't have their children taken away. But, in fact, the need to relinquish custody in these instances doesn't have anything to do with parenting skills. It has everything to do with our system being broken and continuing to allow these children with significant mental health needs to fall through the cracks.

We have known about this problem for many years. In fact, I first introduced legislation in 1995 attempting to address this issue. Since then I have been working with my colleagues to educate the public and other members of Congress about this issue and to find a bipartisan solution.

Our legislation, the "Keeping Families Together Act" is the result of this bipartisan and bicameral process. Our bill provides new funding to states that are willing to develop systems that assure these children get the mental health services they need without pulling apart their families.

It provides \$55 million in new family support grants to states that are willing to end the practice of child custody relinquishment and cover all these children's mental health services under Medicaid, CHIP or any other health program of their choosing. These monies can then be used to improve access to mental health and family support services that keep families together. They can also be used to create statewide care coordination programs and to deliver mental health care and family support services for these families.

Additionally, the bill establishes a federal interagency task force that is responsible for monitoring the family support grants and working with representatives of affected families to make recommendations to Congress to improve mental health services and to foster interagency cooperation in order to remove barriers that have caused child custody relinquishment. The task force is also required to provide biannual reports to Congress on its progress in improving the delivery of mental health services to seriously ill children.

The bill also provides states with the option of moving children out of hospital-based psychiatric care and into home and community based care options, which will allow them to remain with their families.

The Keeping Families Together Act is an important first step toward eliminating child custody relinquishment. I look forward to working with my colleagues to quickly enact this legislation so states can develop innovative new programs that address these children's mental health needs while keeping their families together. Once we've learned what has effectively worked at the state level to restructure these programs, we will need to return to this issue at the federal level and enact broad legislation to end the practice of forced child custody relinquishment nationwide.

#### INTRODUCTION OF THE KEEPING FAMILIES TOGETHER ACT

#### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. KENNEDY of Rhode Island, Mr. Speaker, the term "family values" can be politically loaded, but there is nobody in this body who doesn't want to strengthen families. Likewise, I am confident there is nobody in this body who would not be horrified by the prospect of parents being forced to turn custody of their children over to state bureaucrats as a condition of meeting their basic health needs. Nevertheless, each year thousands of families are broken up because parents are forced to relinquish their custody rights to the state in order to obtain mental health services for their children.

Forty years ago, my uncle, President Kennedy, signed legislation intended to allow people with mental illnesses to gain their dignity back, and to get out of warehouse-like institutions and back into the communities where they belong. The bill my colleagues, Mr. STARK, Mr. RAMSTAD and I are introducing today, the Keeping Families Together Act, is submitted in the same spirit.

Services to treat mental disorders in children are expensive and private insurance tends to run out after a few months, leaving parents unable to afford the cost. Without any other way to get their kids the treatment they need, parents all too often must choose between custody and care. The General Accounting Office reported in April that parents in 19 states were forced to place 12,700 children in state welfare or juvenile justice agencies in 2001 in order to obtain mental health services for them. Unfortunately, this estimate is considered to be low, because 31 states did not respond to the survey.

The problem is not about resources per se; the fact is, we're still spending lots of money, but instead of spending it to keep families together, we're tearing families apart. Clearly, we already have enough broken families in this country—the last thing we should be doing is breaking up more. It's cruel and barbaric to force children out of their families and it's inhumane to give a mom or dad the Hobson's choice between their child's health and safety or custody. It is unconscionable that we frequently reward the parents who make this ultimate sacrifice by treating them like com-

mon criminals. The current situation is not only awful for the parents. It's also hard to imagine any more counterproductive thing to do to children with serious emotional disturbances than to make them feel rejected by their parents.

The Keeping Families Together Act will provide competitive grants to states to help eliminate the problem of forced parental custody relinquishment of such children. Ultimately, it will facilitate the design of care for these most desperate children, so that when a moment of crisis occurs there is an alternative to the child welfare and juvenile justice systems. It will build on existing resources to develop an improved system of care through a collaborative process including required state and private partners, as well as other entities that the governor of the state determines appropriate.

In proposing the community mental health services act in 1963, President Kennedy said that our long history of neglect of the mentally ill must end, "if our Nation is to live up to its own standards of compassion and dignity." As long as we continue to pull families apart as a condition for receiving mental health care, we are failing our own standards. I look forward to working with my colleagues in both Houses, from both parties, to end this blight.

#### HONORING SUFFOLK COUNTY COMMANDER PAUL DEVAUL'S COMMITMENT TO AMERICAN VETERANS

#### HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 2, 2003

Mr. BISHOP of New York. Mr. Speaker, I rise today to honor the longtime dedication of Junior Past County Commander Paul DeVaul to the American Legion and veterans across the country. As Suffolk County Commander for the past two years, Mr. DeVaul has exemplified true commitment to Legionnaires and has proven to be a hero to veterans everywhere. I commend the American Legion for bestowing a well-deserved Testimonial on Mr. DeVaul.

As a member of Bay Shore Post No. 365 since 1990, Paul's steadfast devotion to our veterans community serves as a benchmark for what can be accomplished through an allegiance to history and experience as a community activist. Mr. DeVaul has formed a lasting bond between the American Legion and the Long Island community by establishing recognition programs for groups who support veterans and their organizations. As the current recording Secretary for the Soldiers and Sailors Memorial Committee, Paul has successfully aided his Post to take full control of the post home.

Mr. DeVaul is not only dedicated to improving the lives of our veterans but our youth as well. In creating a scholarship for outstanding music students in high school marching bands and developing an awe-inspiring Flag Day celebration for Commack elementary school, Paul has demonstrated the positive roles that our veterans organizations have in our communities.

Paul is an effective advocate for our veterans population and has a wealth of knowledge about American history. He is well-known in the community and can be counted on to deliver consistently heartfelt and moving